

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 29 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-01650

COUNSEL: NONE

HEARING DESIRED: NO

[REDACTED]

Applicant requests that his discharge be upgraded to honorable. Applicant's submission is at Exhibit A.

The Air Force Discharge Review Board (AFDRB) denied applicant's request on 10 July 1998. In accordance with policy, the application was forwarded to this Board for further consideration (Exhibit C). The AFDRB brief was forwarded to the applicant for review and response (Exhibit D.) As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the AFDRB brief appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. David W. Mulgrew, Ms. Margaret A. Zook, and Mr. Gary Appleton considered this application on 22 September 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


DAVID W. MULGREW
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. AFDRB Brief
- D. AFBCMR Ltr Forwarding Advisory Opinion

FD98-00201



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

6 MAR 97

MEMORANDUM FOR SRA [REDACTED]

FROM: 55 SPS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Minor Disciplinary Infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending a general discharge.

2. My reasons for this action are:

a. Between 9 May and 20 September 1995, you wrongfully used and possessed a false military identification card. For this incident you received nonjudicial punishment, dated 19 October 1995 consisting of a suspended reduction to the grade of airman; forfeiture of \$400.00 pay per month for two months; restriction to [REDACTED] for 15 days; and 30 days extra duty. (Atch 1-1)

b. On 23 December 1996, your [REDACTED] account was 120 days overdue in the amount of \$1,027.51. For this incident you received a letter of reprimand, dated 13 January 1997 (Atch 1-2)

c. On 7 February 1997, you wrote a check to [REDACTED] totaling \$19.50, with insufficient funds in your account. There was a \$20.00 service fee assessed and on 18 February 1997 you still owed \$39.50. For this incident you received a letter of reprimand, dated 19 February 1997, an unfavorable information file was established, and you were placed on a control roster. (Atch 1-3)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] Area Defense Counsel, Bldg 323C, RM 302, Phone 4-3939, at 0830 hrs on 10 March 1997. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 11 MARCH 1997 unless you request **and** receive **an** extension for good cause shown. I will send them to the separation authority.
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination. **You** must report to **the** Medical Group, Physical Exam Section at **0830 hrs** on 11 March 1997 for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in **AFI 36-3208**, attachment 2. A copy of **AFI 36-3208** is available for your use in the unit orderly room.
8. Execute the acknowledgment provided and return it to me immediately. /



Commander, **55th** Security Police Squadron

Attachments:

Atch 1-1; Nonjudicial punishment, **19 Oct 95**

Atch 1-2; Letter of reprimand, **13 Jan 97**

Atch 1-3; Letter of reprimand, **19 Feb 97**